

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

THOMAS THACKER,

Plaintiff,

- vs -

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

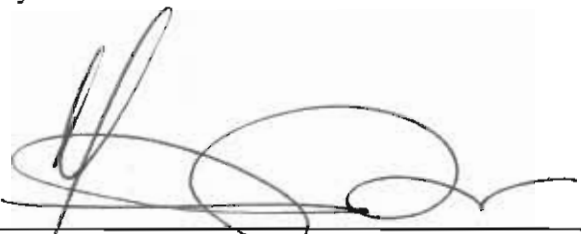
: Case No. 3:08-cv-135
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: District Judge Thomas M. Rose
: Magistrate Judge Michael R. Merz
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ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #10), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is ORDERED that the Commissioner's decision that Plaintiff is not disabled and therefore not entitled to benefits under the Act is hereby REVERSED. This matter is remanded to the Commissioner for payment of benefits consistent with the Act. The clerk to enter judgment accordingly.

March 25, 2009.



Thomas M. Rose
United States District Judge